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JAN 27 1998

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ADMITTED IN
SOUTH CAROLINA
NORTH CAROLINA

Federal Communications Commission
Office of Secretary

PRACTICE LIMITED TO
MATTERS BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

January 27, 1998

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VIA COURIER

Magalie Roman Salas, Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

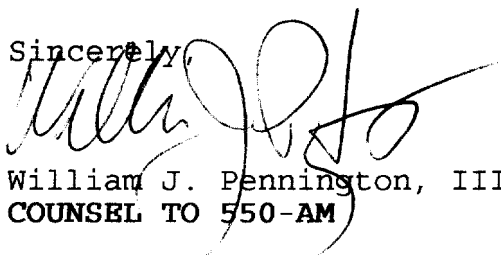
RE: Reply Comments in MM Docket No. 97-233; RM-9162
(East Brewton, Alabama and Navarre, Florida)

Dear Ms. Salas:

Transmitted herewith, on behalf of 550-AM, is an original and four (4) copies of Motion to Dismiss the Comments of Root Communications Group, L.P. in the above-captioned rule making proceeding.

Any questions regarding this matter should be addressed to the undersigned.

Sincerely,


William J. Pennington, III
COUNSEL TO 550-AM

WJP/klm
Enc.

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JAN 27 1998

Before the
FEDERAL COMMUNICATIONS COMMISSION

Federal Communications Commission
Office of Secretary

Washington, DC 20554

In the Matter of)	
)	
Amendment of Section 73.202(b))	MM Docket No. 97-233
Table of Allotments,)	RM-9162
(East Brewton, Alabama and)	
Navarre, Florida))	

Directed to: Chief, Allocations Branch

MOTION TO DISMISS

Comes now 550-AM, by their attorney, who respectfully requests that the Commission immediately dismiss the untimely served Comments On Notice of Proposed Rulemaking of Root Communication Group, L.P. ("Root") filed in the above-captioned proceeding. In support, the following is stated:

1. This proceeding was initiated at the request of 550-AM and instituted by a Notice of Proposed Rule Making (NPRM), released on November 21, 1997. Any comments were required to be received by the Commission on or before January 12, 1997. Id. at par.11. Copies of such comments were required to be timely served upon undersigned counsel for 550-AM. Id. Root failed to meet the service requirements, and its Comments in this proceeding must be summarily dismissed.

2. Attached hereto (Attachment A) is a copy of Root's Certificate of Service filed with its comments. Although the Certificate of Service attached to Root's filing claims that a copy was mailed to the undersigned on January 12, 1997, Attachment

B is a copy of the envelope that accompanied that copy and which clearly reflects that it was not mailed until January 14, 1997, a full **two** days after the due date scheduled by the NPRM and specified in the Certificate of Service. For this reason alone, the Root filing should be rejected.

Conclusion

For the reasons set forth above, the Comments of Root Communications Group, L.P. should be summarily dismissed. Furthermore, since 550-AM was the only party timely filed, it is requested that the substitution of Channel 239C3 for Channel 239A at East Brewton, Alabama be made along with the reallocation of Channel 239C3 to Navarre, Florida, and modification of the outstanding construction permit for Station WGCX(FM) be modified accordingly.

Respectfully submitted,

550-AM

By: 

William J. Pennington, III
COUNSEL FOR 550-AM

William J. Pennington, III
Attorney at Law (NC & SC BARS ONLY)
Post Office Box 403
Westfield, MA 01086
(413) 562-3341

Date: January 27, 1997

ATTACHMENT A

CERTIFICATE OF SERVICE ON ROOT'S COMMENTS

CERTIFICATE OF SERVICE

I, Nellie Martinez-Redicks, a secretary at the law firm of Arter & Hadden, hereby certify that the foregoing Comments on Notice of Proposed Rule Making has been sent, via first class mail on this 12th day of January, 1998 to the following:

William J. Pennington, III, Esq.
Post Office Box 403
Westfield, MA 01086
Counsel for 550-AM


Nellie Martinez-Redicks

ATTACHMENT B

COPY OF ENVELOPE CONTAINING ROOT'S COMMENTS

ATTORNEYS AT LAW

WASHINGTON
JAN 14 98
DC



01026-0403

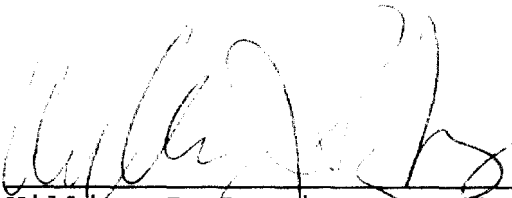


CERTIFICATE OF SERVICE

I William J. Pennington, III, hereby certify that the foregoing "Motion to Dismiss" has been sent, via first class mail on this 27th day of January, 1998 to the following:

Howard M Liberman, Esq.
Naomi S. Travers, Esq.
Elizabeth A. Hammond, Esq.
Arter & Hadden
1801 K Street, N.W
Suite 400K
Washington, DC 20006

COUNSEL FOR ROOT COMMUNICATIONS GROUP, L.P.



William J. Pennington, III